

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY MENDICINO, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
LOTUS ORIENT CORP., et al. : NO. 10-1867

ORDER

AND NOW, this 19th day of October, 2010, upon  
consideration of the plaintiff's complaint (docket entry # 1),  
defendants' motion to dismiss pursuant (docket entry # 9), and  
plaintiff's response (docket entry # 11), it is hereby ORDERED  
that:

1. Defendants' motion to dismiss (docket entry # 9)  
is GRANTED IN PART and DENIED IN PART;

2. Defendants' motion to dismiss plaintiff Jeffrey  
Mendicino pursuant to Fed. R. Civ. P. 12(b)(1) is GRANTED and the  
Clerk shall DELETE him from the caption of this case;

3. Defendants' motion to dismiss defendant Jing Wu  
from this action pursuant to Fed. R. Civ. P. 12(b)(2) is GRANTED;

4. Defendants' motion to dismiss Count VI pursuant to  
Fed. R. Civ. P. 12(b)(6) is DENIED WITHOUT PREJUDICE;

5. In all other respects defendants' motion to  
dismiss is DENIED; and

6. Defendants shall RESPOND to plaintiff's complaint by November 2, 2010.

BY THE COURT:

\_\_\_\_\s\Stewart Dalzell